

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

2:00 P.M.

NOVEMBER 25, 2003

PRESENT:

**David Humke, Chairman**  
**Jim Shaw, Vice Chairman**  
**Jim Galloway, Commissioner**  
**Pete Sferrazza, Commissioner**  
**Bonnie Weber, Commissioner**

**Amy Harvey, County Clerk**  
**Nancy Parent, Chief Deputy Clerk**  
**Katy Singlaub, County Manager**  
**Madelyn Shipman, Legal Counsel**

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**03-1255      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the agenda for the November 25, 2003 meeting be approved.

**03-1256      PUBLIC COMMENTS**

Eddie Anderson, local resident, acknowledged the President of the United States for having the tenacity to face terrorism both at home and abroad.

Sam Dehne, Reno resident, declared that citizens in Reno pay for their parks through tax dollars. He disapproved of citizens having to pay \$10.00 per vehicle to go to Idlewild Park to see the Christmas display. He said this is the public's park and the citizens pay for the lights and the electricity used at the park.

Al Hesson, local resident, read articles about dead soldiers returning home from Iraq and discussed the lack of acknowledgement from President George W. Bush regarding their sacrifice.

Gary Schmidt, Washoe County resident, spoke about public records rights of citizens and stated he has prevailed five times against the County in his quest to access records in order to control, supervise and monitor the activities of government.

## **MANAGER'S/COMMISSIONERS' COMMENTS**

County Manager Katy Singlaub confirmed a Town Hall Meeting sponsored by the Nevada Association of Counties concerning the Help America Vote Act will be held in the Commission Chambers on December 4, 2003 from 6:00-8:00 p.m. She noted they expect elected officials to attend.

Commissioner Sferrazza voiced his concern about a tax increase, noting the Chamber of Commerce sent out a fax concerning this, and he would like to receive a copy of that fax. He then asked for a workshop or to be provided with written materials regarding open space and drainage way issues.

Commissioner Galloway announced that at the December 16, 2003 meeting of the Fire Commissioners more details would be given about lessons learned from the Southern California fires, including a full discussion about regulatory and procedural changes. He stated he received an email from Congressman Gibbons' office confirming their interest in these issues and their desire to work with the Fire Board.

Commissioner Shaw advised Sparks Councilperson Ron Schmidt has invited the Commissioners to participate in the Sparks Hometown Christmas parade and festivities on Saturday, December 6, 2003. He encouraged the public and all Commissioners to attend.

Chairman Humke announced the newspaper misprinted the time for the hearing today on the business license fees. He stated that item would be heard at 5:30 p.m. and not at 2:00 p.m.

County Manager Singlaub acknowledged staff, legislators and others for the successful Adoption Day on Saturday, November 22, 2003. Eleven children who had been awaiting homes were adopted in one day, and the community was reminded there are still one hundred children who are eligible and waiting for adoption. She advised this is National Family Caregivers Month and acknowledged the celebration held at the Senior Center for family caregivers. She thanked the caregivers for their contribution to society.

## **PUBLIC COMMENTS – REOPENED**

Given that the newspaper erroneously printed that the business license fees item would be heard at 2:00 p.m., Chairman Humke asked if anyone was present wishing to speak on that item that could not be present for the 5:30 p.m. time posted on the agenda.

Sam Dehne, local resident, spoke about the proposed changes to the Washoe County business license fee schedule. He stated the scale should be based on a percentage.

**03-1257      RESIGNATION/APPOINTMENT – LIBRARY BOARD OF TRUSTEES**

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the resignation of Vivian Freeman from the Library Board of Trustees, effective immediately, be accepted and Paul B. Davis be appointed to fill the vacancy with the term to expire June 30, 2006.

**03-1258      ACCEPTANCE OF PUBLIC DONATION – AMES/TRUE TEMPER LAWN AND GARDEN DISTRIBUTION CENTER – SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the donation of landscape tools and equipment from Ames/True Temper Lawn and Garden Distribution Center, with an estimated value of \$72,009, to be used to assist the operation and funding of the Sheriff's Community Work Program (S.C.W.P.), be accepted with the Board's gratitude. It was noted that the S.C.W.P. would also share the excess of these tools with the other Washoe County Departments such as: Parks, Roads and agencies who supervise the S.C.W.P. workers.

**03-1259      ACCEPTANCE OF DONATIONS – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that donations totaling \$233.22, received from various donors and individuals from July 2002 through July 2003 for fiscal year 2002/2003, to be used for miscellaneous needs for seniors served through the department and to supplement departmental program activities, be accepted with the Board's gratitude.

It was noted that cash donations were received from the following:

\$ 62.10	United Way	For the Reno Senior Center
\$100.00	Doris Pope	For the Reno Senior Center
\$ 25.12	Scolari's	For the Sparks Senior Center
\$ 16.00	Anonymous donor	For the Reno Senior Center
\$ 20.00	Margaret Holton	In memory of Betty Morrison
\$ 10.00	Kathryn Landa	In memory of Betty Morrison

**03-1260      ACCEPTANCE OF DONATION – HAROLD AND MARCIA HANSEN – ANIMAL SERVICES**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the donation of \$100 from Harold and Marcia Hansen to Washoe County Animal

Services be accepted with the Board's gratitude. It was further ordered that staff be directed to deposit the donation in the Animal Services Fund (500000-484000).

**03-1261      AWARD OF BID – TELEPHONE SYSTEM COMPONENTS - BID  
NO. 2411-04 - JAN EVANS JUVENILE JUSTICE CENTER -  
PUBLIC WORKS DEPARTMENT**

This was the time to consider award of bid for telephone system components for the new Jan Evans Juvenile Justice Center on behalf of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on October 16, 2003. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Expanets of New York  
Voice Plus, Inc  
INS Technologies  
Quintron Telephone Systems Inc

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Bid No. 2411-04 for telephone system components for the new Jan Evans Juvenile Justice Center on behalf of the Public Works Department be awarded to Expanets of New York in the net amount of \$60,530.59.

It was noted that the amount includes the base bid of \$58,970.22, plus an additional \$1,560.37 for other items identified in the proposal as necessary for a complete and updated package. It was further noted that under the terms of the award, Expanets of New York will provide new telephone system components comprised of NEC 2400 IPX, CO Trunk Ports, TI PRI Ports, Digital Station Ports, Analog Station Ports, and eight Port Voicemail System components identified in the bid schedule for the new Jan Evans Juvenile Justice Center.

**03-1262      INTERLOCAL AGREEMENT – CITY OF RENO - JOINT CHILD  
ABUSE AND INVESTIGATION TEAM – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno on behalf of the Reno Police Department, concerning the operation of the Joint Child Abuse and Investigation Team, be approved and Chairman Humke be authorized to execute the same. It was noted the Agreement is effective July 1, 2003 and will automatically renew each year unless terminated per the terms of the Agreement. It

was further noted that the estimated reimbursement to Washoe County for fiscal year 2003/2004 is \$24,000.

**03-1263            RENEWAL AGREEMENT – VETERANS ADMINISTRATION –  
ADULT DAYCARE SERVICES – SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Solicitation/Modification of Contract between Washoe County and the Veterans Administration (VA), concerning renewing the contract for the purpose of providing adult daycare services for VA beneficiaries for the period October 1, 2003 through September 30, 2004 be approved and Chairman Humke be authorized to execute the same. It was noted that, on an annual basis, adult daycare is provided to approximately ten VA beneficiaries resulting in annual reimbursements to the department estimated at \$35,000.

**03-1264            ABANDONMENT OF ASPEN GLEN DRIVE – COMMUNITY  
DEVELOPMENT**

Mike Harper, Planning Manager, introduced David Snelgrove with Gray and Associates. Mr. Snelgrove stated this application has been in a holding pattern for quite some time; and, after many attempts to move the application forward, it was determined it needed to come to the County Commissioners for authorization. He said the Aspen Glen Homeowners' Association is requesting that a public roadway be taken out of the County's burden for maintenance and put into the Association for their maintenance. This road operates as a driveway for approximately nine existing homes, and the abandonment would allow the property owners better access to their homes. He confirmed their intention to leave a pedestrian access easement to the footbridge.

In response to Commissioner Galloway, Jack Sheehan, representing the Aspen Glen Road Trust (Aspen Glen Homeowners), stated that the Aspen Glen Homeowners' Association has been intact for over twenty years. He explained the Aspen Glen Road Trust includes the Homeowners' Association and three other individual lot holders located next to this property. Upon successful approval, and as a requirement, the trust would be created to encompass all nine parties. The three additional homeowners are in favor of the abandonment and support the improvement of the road.

Commissioner Sferrazza inquired about pedestrian and bicycle traffic and Mr. Sheehan confirmed there is no intention to limit foot or bicycle passage. Mr. Snelgrove verified it would be reasonable to mark the pathway for pedestrian access. He said a gate is planned for vehicular access because the area operates as a driveway, and the pedestrian access would be open to the public. He stated the condition that addresses the appropriate width for access to the pedestrian bridge is acceptable. He further stated the access would be allowed to run the length of the road. Mr. Sheehan clarified that the existing right of way is only 20 feet in some places and there was a concern with the condition of a 30-foot easement.

Karen Mullen, Washoe County Parks and Recreation Director, requested that both the City of Reno and Washoe County Parks Departments have the opportunity to sign off on the easement. She acknowledged her concern about the easement for the bicycle and pedestrian path. She stated there needs to be enough room on the existing easement to someday replace the bridge. In response to Commissioner Weber, she confirmed they could work on the signage and gate detail so it is wide enough for the bike path system. She stated the need for clearly defined and marked access for pedestrian and bicycle traffic.

Mr. Harper confirmed that, pursuant to County policy, abandonments do not go before the Citizen Advisory Boards (CAB's). Commissioner Galloway stated he would prefer this matter be continued until it goes before the West Truckee Meadows CAB with the modified wording of the application and the Board's comments reflecting the reservations that have been discussed. Mr. Harper then stated the application has two proposed stipulations. First, a 30-foot wide sanitary sewer easement shall be dedicated to Washoe County and the easement shall be approved by the Department of Water Resources prior to approval of the abandonment. Second, a pedestrian/bicycle easement covering the entire Aspen Glen Drive right-of-way shall be dedicated to Washoe County, and the easement shall be approved by the Washoe County Department of Parks and Recreation.

Commissioner Galloway said a maintenance easement for maintaining the bridge and an easement for signage to be posted at the discretion of Washoe County marking the pedestrian/bicycle access should also be stipulated. Commissioner Sferrazza stated he would want an exclusive easement confirmed so there would be no obstruction at the entryway.

Commissioner Galloway stated he would support an ordinance that requires issues like this to go before the CAB's. He explained that a CAB is informed when something is to be constructed or zoned, but notice is not given when the County grants encroachment permits. He said an abandonment that involves a public trail should go to the CAB to aid in establishing appropriate conditions.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the application to the City of Reno for abandonment of Aspen Glen Drive be continued until after the meeting of the West Truckee Meadows CAB in January 2004.

**03-1265      RESOLUTION - TRANSFER OF FUNDS – NEVADA LAND  
CONSERVANCY – COMMUNITY DEVELOPMENT**

Commissioner Weber stated she was in support of this transfer of funds, but cautioned that the Board will have to be selective in the future in the approval of items that affect the budget. She acknowledged the Board should be encouraging

organizations to look elsewhere for funding and not depend solely on the support of Washoe County.

Alicia Reban, Executive Director, Nevada Land Conservancy (NVLC), reviewed the activities of the NVLC in 2003 as stated in the agenda memorandum dated November 13, 2003. In response to Commissioner Sferrazza, Ms. Reban stated the NVLC does not seek to benefit financially from the work they complete for Washoe County.

Upon recommendation of Adrian Freund, Community Development Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same. It was further ordered that the Director of Community Development be authorized to transfer the sum of \$66,960 from the Community Development Department's authorized budget to the Nevada Land Conservancy.

### **RESOLUTION**

#### *Authorizing Grant of Public Money to the Nevada Land Conservancy*

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selective purpose; and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that granting of funds to the Nevada Land Conservancy will provide a substantial benefit to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Nevada Land Conservancy, a private, nonprofit organization, a grant for fiscal year 2003-2004 in the amount of \$66,960;
2. The Board hereby grants to the Nevada Land Conservancy the use of County facilities should the Director of the Parks and Recreation Department and/or the Director of the Department of Community Development determine that that is a desirable and effective use of County facilities.

**03-1266      ACKNOWLEDGE RECEIPT OF LETTER – REQUEST TO  
TRANSFER VERDI BUSINESS PARK COOPERATIVE ASSETS –  
WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that receipt of a letter from the Verdi Business Park Cooperative requesting preparation of an agreement to transfer the Cooperative's assets to Washoe County be acknowledged and staff be directed to prepare the agreement.

**03-1267      MEMORANDUM OF UNDERSTANDING – STATE OF NEVADA –  
PROCEEDS FROM STATE QUESTION ONE (AB9) – PARKS**

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Memorandum of Understanding between Washoe County and the State of Nevada Department of Conservation and Natural Resources regarding Washoe County's proceeds from State Question 1 (AB9) be approved and Chairman Humke be authorized to execute the same upon presentation. It was further ordered that the County Treasurer be authorized to accept the proceeds from State Q1 (AB9) in the amount of \$10,000,000 to be received in several installments.

It was noted that account transactions in fiscal year 2003/2004 for the first installment are as follows:

<b>Increase Revenue/Expenditures</b>	<b>Amount</b>
Increase Revenue in Park Construction Fund 4447, account 432100 (State Contribution)	\$4,000,000
Increase Expenditures in Park Construction Fund 4447, account 710400 (Payments to Other Agencies)	\$4,000,000

**03-1268      INTERLOCAL COOPERATIVE AGREEMENT – 2005 STREET  
AND HIGHWAY PROGRAM OF PROJECTS (FUEL TAX) –  
REGIONAL TRANSPORTATION COMMISSION**

Upon recommendation of Robert Russell, Engineering Director, Regional Transportation Commission (RTC), on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Interlocal Cooperative Agreement between Washoe County, the City Council of Reno, the City Council of Sparks, and the RTC, concerning design, construction, engineering, or construction/right-of-way of specific projects contained in the RTC's Street and Highway Program of Projects be approved and Chairman Humke be authorized to execute the Agreement.

**03-1269**

**POSSIBLE ADDITIONAL PANEL FOR THE 2004 BOARD OF  
EQUALIZATION - DISTRICT ATTORNEY**

Upon recommendation of Leslie Admirand, Deputy District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that staff be directed to advertise for positions for a possible additional panel of the 2004 Washoe County Board of Equalization.

Later in the meeting, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that this item be reconsidered.

County Manager Katy Singlaub said Legal Counsel advised at yesterday's Caucus meeting that the need for a second panel is not confirmed, and the time will be short to empanel a second Board of Equalization, if it is necessary. She stated a large number of appeals might be filed, and it would be best to be ready. She commented that the County Clerk's office has indicated a second Board of Equalization would require additional appropriations to provide the necessary staff to clerk that Board.

Gary Schmidt, Washoe County resident, stated he is a recent appointee to the Board of Equalization. He said a majority vote of all five members of the Board of Equalization is required for any action to be approved and requested a review of the legal possibility of appointing alternates to that Board.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that staff be directed to use the standard wording to advertise for a possible additional panel of the 2004 Washoe County Board of Equalization. It was further ordered that the advertisement state there is no assurance that this panel will be formed.

**03-1270**

**RESOLUTION – PARTIAL REFUND OF TAXES – FOURTH  
STREET PARTNERS – DISTRICT ATTORNEY**

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6415, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the partial refund of taxes for Fourth Street Partners, in the amount of \$24,842.93, be approved, the following Resolution be adopted and Chairman Humke be authorized to execute the same.

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Fourth Street Partners ("Taxpayer") made application for a partial refund of real property taxes for the 2002-2003 tax year on APN 008-470-01 and 008-470-02; and

**WHEREAS**, the Taxpayer has overpaid taxes for 2002-2003 fiscal year in the amount of \$24,842.93; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application and that the granting of the partial refund would be equitable.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:**

1. That the Treasurer of Washoe County is authorized and directed to refund to Fourth Street Partners a total of \$24,842.93, which is the amount of the prorated taxes overpaid for the 2002-2003 tax year on APN 008-470-01 and 008-470-02.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

**03-1271      RESOLUTION – PARTIAL REFUND OF TAXES – CASA DE VIDA**  
**– DISTRICT ATTORNEY**

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6416, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the partial refund of taxes for Casa de Vida, in the amount of \$1,706.79, be approved, the following Resolution be adopted and Chairman Humke be authorized to execute the same. It was further ordered that the remainder of the requested refund of taxes, in the amount of \$3,654.20, be denied and the Chairman be authorized to execute the Decision for the same.

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Casa de Vida ("Taxpayer") made application for a partial refund of real property taxes for the 2001-2002 tax year on APN 013-031-45; and

**WHEREAS**, the Taxpayer has overpaid taxes for the 2001-2002 fiscal year in the amount of \$1,706.79; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2001-2002 tax year and that the granting of the partial refund would be equitable.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:**

1. That the Treasurer of Washoe County is authorized and directed to refund to Casa de Vida, a total of \$1,706.79, which is the amount of the taxes overpaid for the 2001-2002 tax year on APN 013-031-45.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

**03-1272      RESOLUTION – REFUND OF TAXES – LIGON-PICKERING LIMITED PARTNERSHIP – DISTRICT ATTORNEY**

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6418, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the refund of taxes for Ligon-Pickering Limited Partnership, in the amount of \$12,553.21, be approved, the following Resolution be adopted and Chairman Humke be authorized to execute the same.

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, Ligon-Pickering Limited Partnership, a Nevada limited partnership ("Taxpayer") made application for refund of real property taxes for the 2002-2003 tax year on APN 008-171-27; and

**WHEREAS**, the Taxpayer has overpaid taxes for the 2002-2003 fiscal year in the amount of \$12,553.21 but is not entitled to a refund of a penalty incurred in that tax year in the sum of \$1,160.04, as set forth in the Washoe County District Attorney Opinion No. 6418; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2002-2003 tax year and that the granting of the partial refund would be equitable.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:**

1. That the Treasurer of Washoe County is authorized and directed to refund to Ligon-Pickering Limited Partnership a total of \$12,553.21, which is the amount of the prorated taxes overpaid for the 2002-2003 tax year on APN 008-171-27.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

**03-1273      RESOLUTION – PARTIAL REFUND OF TAXES – DP  
OPERATING PARTNERSHIP L.P. – DISTRICT ATTORNEY**

Upon recommendation of Blaine Cartlidge, Deputy District Attorney, as stated in D.A. Opinion No. 6414, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the partial refund of taxes for DP Operating Partnership L.P., in the amount of \$11,523.06, be approved, the following Resolution be adopted and Chairman Humke be authorized to execute the same.

**RESOLUTION**

*Directing the County Treasurer to Refund Taxes*

**WHEREAS**, the Board of Commissioners of Washoe County, pursuant to NRS 354.220-354.240, has the authority to direct the County Treasurer to refund money paid into the County Treasury; and

**WHEREAS**, DP Operating Partnership L.P. ("Taxpayer") made application for a partial refund of real property taxes for the 2001-2002 tax year on APN 012-401-27; and

**WHEREAS**, the Taxpayer has overpaid taxes for the 2001-2002 fiscal year in the amount of \$11,523.06; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Washoe County that the Taxpayer has just cause for making such application for the 2001-2002 tax year and that the granting of the partial refund would be equitable.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:**

1. That the Treasurer of Washoe County is authorized and directed to refund to DP Operating Partnership L.P., a total of \$11,523.06, which is the amount of the taxes overpaid for the 2001-2002 tax year on APN 012-401-27.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity that has shared in the excess of the taxes collected in error for its prorata share of the refund.

**3:50 p.m.** The Board recessed.

**4:25 p.m.** The Board reconvened with all members present.

**03-1274 APPEARANCE – GARY SCHIFF – CARSON RANGER DISTRICT**

Gary Schiff, District Ranger, Carson Ranger District, reviewed the Carson Ranger District Planned and Proposed Activities in Washoe County report dated November 25, 2003, which was placed on file with the Clerk. He was assisted by Franklin Pimperton who presented display maps of the proposed Galena Campground area. Mr. Schiff confirmed that 50 to 60 units would be allowed for public camping sites and cabins would be built to enhance the area. He provided pictures of the campground location to show the beauty as well as the problems of the area and stated a campground setting would be favored opposed to dispersed camping due to fire risk. Mr. Schiff responded to questions of the Board concerning the campground area. He then stated the Board might hear from some constituents that the area is pleasant and should be left alone, but County staff and the Ranger District believe it would be far better to have a managed situation rather than what is currently occurring in the area.

Robert Cameron, Washoe County citizen, commented that he participated in the plans for Whites and Thomas Creeks, and a lot of citizens were concerned about the gates. He said a compromise was reached to have the gates locked between 8:00-9:00 p.m. and opened between 7:00-8:00 a.m. He advised the gate near Whites Creek was locked on the first snow, and he was told it was a Forest Service decision to lock the gate due to inclement weather. He stated his understanding was the gate would be locked in the evenings due to fire danger, and there is no fire danger in the winter. He requested the Forest Service leave the gate unlocked throughout the winter season.

Mr. Schiff stated he would look into the situation for Mr. Cameron. He said the Forest Service does all they can to protect the roads, which may mean closing roads for a period of time each year.

**4:50 p.m.** Commissioner Shaw left the meeting.

**03-1275** **APPOINTMENT - ANIMAL CONTROL BOARD – PUBLIC WORKS**

County Manager Katy Singlaub informed the Board an item is reserved for the December 9, 2003 meeting agenda to allow for the appointment of an Exotic Animal representative and a District 3 representative, if necessary. She stated applications were closed as of November 18, 2003, and the item was reserved for December 9 because there were no more applicants from Commissioner Sferrazza's District.

Following discussion, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that John Potash be appointed as the County Commission District 5 Animal Control Board representative.

Commissioner Sferrazza requested that the District 3 appointment be continued and the Exotic Animal appointment remain open. He said if a District 3 person applies, he will appoint that person, but if that does not happen, he would have the ability to ask the Exotic Animal person from his District to switch.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that the appointment of the County Commission District 3 Animal Control Board representative be continued, the Exotic Animal representative appointment remain open, and applications be kept open without an advertisement.

**03-1276** **“CHARTING OUR COURSE...INVESTING IN OUR FUTURE” INITIATIVE ADVISORY COMMITTEE – FINANCE**

County Manager Katy Singlaub advised that on October 13, 2003 the Board approved, in concept, the establishment of an advisory committee to develop an implementation plan for a multi-year budget planning initiative. Staff solicited the input of elected and appointed officials, the President of the largest employee's association, and a private citizen who is a member of the Organizational Effectiveness Committee to provide the recommendations being presented. She said the time line is very aggressive for the committee to provide a long-term blueprint for financial stability and to have the results presented to the Board before decisions need to be made on the upcoming budget. Commissioner Galloway commented this committee is very important for the County to stay on the right track financially. Ms. Singlaub stated the committee meetings would be

open and include public involvement, and a major task of the committee would be to look at prioritizing services and expenditures.

Commissioners Sferrazza and Weber volunteered to serve on the Advisory Committee.

John Sherman, Finance Director, suggested that, due to the time frame, staff work with the Commissioners to make the five citizen appointments directly to the committee. Legal Counsel Shipman stated an item should come to the Board to ratify the appointments that are made.

On motion by Commissioner Galloway, seconded by Chairman Humke, which motion duly carried with Commissioner Shaw absent, it was ordered that Commissioners Sferrazza and Weber be appointed as acting non-voting liaisons to the Board of County Commissioners for the "Charting Our Course...Investing In Our Future" Initiative Advisory Committee, and any County Commissioner could serve as an alternate; and that each Commissioner appoint one person to the Committee with the citizens to begin their service immediately and ratification from the Board to occur at a later date.

It was further ordered that the following components of the "Charting Our Course...Investing in Our Future" initiative be approved:

1. Establish an Advisory Committee with the membership composed of:
  - a. Five citizens, one appointed by each County Commissioner, preferably with a business/finance background.
  - b. Two elected department heads (the recommendation from the elected officials are Sheriff Dennis Balaam and District Attorney Richard Gammick.)
  - c. Two appointed department heads (the recommendation from the appointed department heads are Steve Bradhurst, Water Resources Director and Mike Capello, Social Services Director.)
  - d. One appointee representing Public Health (the Public Health Officer, Barbara Hunt).
  - e. Two employee representatives, one from the Washoe County Employees Association and one from the Deputies Association.
  - f. One or two County Commissioners, acting as non-voting liaisons to the Board of County Commissioners.

2. The Advisory Committee be directed to develop a blueprint for financial stability. In the recommended implementation plan, the Advisory Committee

should address the specific means or methods that will provide a higher degree of assurance that the recommendations will remain in place over the long-term so the anticipated long-term benefits can be achieved. The elements of the charter include the following specific deliverables:

a. Evaluation criteria to be used to establish service priorities that include an examination on what services the County must provide, a review of the organizational structure, employment base, and long-term organizational issues.

b. Identify and evaluate new revenue opportunities.

c. Methods to maximize the performance of existing revenue sources.

d. Identification of an implementation plan for increased operating efficiencies, including such means as consolidations and outsourcing.

e. Review changes in the workforce and their impact on the other elements of the blueprint for financial stability.

3. The Advisory Committee be directed to establish the following timelines for reporting to the Board:

a. A preliminary report be provided on February 24, 2004 that focuses on long-term strategies that could be applied to establishing program priorities and balancing the fiscal year 2004/2005 budget.

b. The Advisory Committee's Final Report on long-term strategies be presented in June/July 2004.

4. The finance director be authorized, with the concurrence of the County Manager, to spend up to \$50,000 in support of the Advisory Committee, which would include, but not be limited to, such items as professional services to take minutes, a facilitator for the Advisory Committee, research reports, and meals for night meetings.

5. Appropriations from the transfer be moved to the Accrued Benefits Fund to the Finance Department's professional services account in the General Fund and Finance be directed to make the following necessary adjustments:

<b>Account</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>
188500-814092	Transfer to Accrued Benefits Fund		\$50,000
995501-621001	Transfer from General Fund		\$50,000
103100-710100	Professional Services	\$50,000	

\* \* \* \* \*

County Manager Katy Singlaub acknowledged Barbara Trow of the County Clerk's office who would be retiring in December 2003 after 15 years of service as a Deputy County Clerk. Amy Harvey, County Clerk, said it was a joy to work with Ms. Trow and she will be greatly missed.

\* \* \* \* \*

**03-1277**      **RENO-STEAD CORRIDOR JOINT PLAN – DIRECTION**  
**CONCERNING BECKWORTH/MCMULLEN AND BUSHEY**  
**MEDIATION EFFORTS – 2002 REGIONAL PLAN**  
**SETTLEMENTS**

Madelyn Shipman, Assistant District Attorney, stated the resolutions for amendment of the Reno-Stead Corridor Joint Plan that were part of this agenda item are moot at this point. She advised at the Regional Plan Settlement Agreement status conference held on November 7, 2003 the Court ordered the parties file briefs no later than November 26, 2003 regarding the status of and proposed solutions for the Bushey and Beckworth/McMullen parcels. She said a Mediation Brief has been prepared to be filed tomorrow afternoon whereby the Bushey property would stay with the last agreement the Board proposed to the Busheys and the City of Reno, which would provide for the process of removing the Bushey property from the Reno-Stead Joint Planning area and place that property in a cooperative planning situation, as removal would place the property into Reno's expanded sphere area. The brief also gives the background of the issues surrounding the Beckworth/McMullen mediation and the proposed solution. It has been prepared to initiate an amendment to the Reno-Stead Corridor Joint Plan to be endorsed by both the County Commission and the Reno City Council to impose the requirements of the proposed agreement whereby the Beckworth/McMullen property would remain in the joint planning area and follow the joint planning process.

Legal Counsel Shipman then advised a second brief has been prepared on amendments to the regulations governing alternative dispute resolution that have been proposed by the Regional Planning Agency. She noted a significant rewrite has been done on those proposed amendments, the most important being on the proposed regulation to place a whole section on potential mediation under the control of the Regional Planning Governing Board or the Regional Planning Commission. She stated the position of Washoe County and the City of Reno is that mediation should be between the parties, and while it may be a basis for a continuance of a particular hearing, it is not and should not be under the control of or regulated by a regional agency. She said she believes these amendments are the beginning of discussion on those regulations, and there would be opportunity for further input on that matter.

Commissioner Sferrazza disclosed that the Board had a non-meeting with Legal Counsel to be informed of all the legal ramifications regarding these issues.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Shaw absent, Chairman Humke

ordered that Legal Counsel Shipman be authorized to file the brief to initiate an amendment to remove the Bushey parcel from the Joint Plan whereby it would then be under the cooperative planning process.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that Legal Counsel Shipman be authorized to file the brief concerning the Beckworth/McMullen property to initiate an amendment to the Joint Plan to accomplish what was negotiated between the Golden Valley representatives, Commissioner Sferrazza and Ms. Shipman, and representatives from the other side and the City of Reno. This would go through the full legal process to include public hearings and go forward with responses being filed by other parties.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that Legal Counsel Shipman be authorized to file the brief responding to the regulations proposed by the Regional Planning Agency in a Status Report filed with the Court on November 5, 2003.

Legal Counsel Shipman then reviewed responses proposed by the District Attorney's office relative to five issues contained in the Petition for Clarification filed by the Regional Planning Agency with the Court. Subsequent to her presentation on each issue the following motions were made:

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that the District Attorney be authorized to file the brief to the Regional Planning Agency question relative to the Regional Water Plan as outlined below.

The District Attorney will brief this issue to reflect the County's understandings from the mediation sessions that, to the extent there is any conflict between the Regional Water Plan and the Regional Plan, the Regional Plan will be amended to accommodate the Regional Water Plan.

On motion by Commissioner Galloway, seconded by Chairman Humke, which motion duly carried with Commissioner Shaw absent, it was ordered that the interpretation of what constitutes a cooperative planning effort put forth by Legal Counsel be endorsed and Legal Counsel be directed to respond to the issues as outlined below:

The cooperative planning effort will be defined subject to the dispute resolution process as proposed in its response to the Regional Planning Governing Board (RPGB) and as argued in its Motion to Dismiss before the Regional Planning Commission. Specifically, a "cooperative planning effort" is a matter that has been or should have been subject to the cooperative planning processes set forth in Section B of the October 17,

2002 Settlement Agreement in CV02-03469 or a matter which has been or should have been subjected to the cooperative planning criteria established or developed pursuant to Section C of the October 17, 2002 Settlement Agreement in CV02-03469.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that Legal Counsel's interpretation be endorsed and the following response to the Regional Planning Agency's question of whether the alternative dispute regulations may be amended by agreement of the parties be authorized:

The District Attorney will respond with agreement that the parties may amend or change regulations by agreement. In other words, that amendments to the regulations do not need Court approval if all the parties agree. The County, in its Regulations Brief, is taking the position that the regulations and process as they exist today are too formal and should be changed as proposed.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that Legal Counsel be directed to submit the following response concerning the question of the Regional Planning Agency regarding what was anticipated to be cooperatively planned:

The District Attorney will remind the Court of what it described as cooperative planning, e.g., the planning of "areas," within the expanded spheres, so that there would be broad public input to the overall design and development of the respective expanded sphere areas. Broad-based planning, utilizing cooperative planning criteria, is what the County thought was intended by the mediation discussions and the Settlement Agreement.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that Legal Counsel be directed to submit the following response should the City of Reno or the Verdi property owners submit a brief(s) to the Court with regard to water service areas:

The District Attorney will respond to any such brief(s) with a statement that the issue of water service is not an issue over which the Court has any original or retained jurisdiction. Specifically, that neither the City nor the Verdi property owners have standing to raise the issue of retail water service territory under the legislatively mandated 1996 retail water service agreement and that the issue of water service was not part of the regional plan litigation, mediation or Settlement Agreement. The County will not

acquiesce in nor participate in any discussion of the retail water service issue.

Commissioner Sferrazza noted that he supported the Truckee Meadows Water Authority as the purveyor in this instance, but believes the Judge has no jurisdiction over that matter, and the position of the majority of the County Commissioners should be filed.

**03-1278**      **POSSIBLE ACQUISITION - WILDCREEK GOLF COURSE – PARKS**

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that staff be directed not to pursue the purchase of the Wildcreek Golf Course. It was further ordered that the Reno-Sparks Convention and Visitors Authority (RSCVA) be requested to use any funds acquired from the sale of the Wildcreek Golf Course first to retire the debt at the Northgate Golf Course, that the RSCVA continue to operate the Northgate Golf Course, and that the Wildcreek land not be used for any purpose other than a golf course, open space or parks and recreation. It was further ordered that staff be directed to negotiate some reimbursement to Washoe County should it be confirmed the County has any equity interest in the Wildcreek assets.

Joe Kelly, Director of Golf, RSCVA, stated they are supportive of the motion and will carry that forth to the Convention Authority board at the December 18, 2003 meeting.

**03-1279**      **DIRECTION – REPORT ON OPERATION AND MAINTENANCE OF PUBLICLY OWNED GOLF COURSES – ESTABLISH TASK FORCE TO REVIEW REGIONALIZING PUBLIC GOLF COURSES MANAGEMENT - PARKS**

Commissioner Sferrazza moved to direct staff to proceed with a joint study on the golf courses as recommended by staff. Commissioner Galloway seconded the motion.

Commissioner Weber stated she believes someone needs to take over all the golf courses and does not know that a study is necessary. She thinks the local golf courses need to be consolidated, which has been talked about by the Cities and the County. She said approving this study would expend monies for a consultant when a golf management company could do that work.

County Manager Singlaub said staff recognizes that turning over the public golf courses to a private management firm is one of the options that needs to be explored. She advised the public courses within Washoe County currently lose about \$1-million a year, and staff believes it is important for the policy makers to have a good

handle on the best overall approach for the public. Staff would like to have a thorough analysis of all options for how the public courses could be managed more efficiently.

Karen Mullen, Director, Parks and Recreation, stated staff has some technical expertise to do the operating piece of the analysis but needs assistance to obtain an analysis of capital and equipment infrastructure at the golf courses. The overall market analysis is critical information they also need.

Commissioner Galloway said his understanding is this study would not include the Wildcreek Golf Course because it is anticipated the City of Sparks would operate that course, and it would not be part of a joint management program. County Manager Singlaub stated that the Sparks City Manager indicated they would not want to participate in a study at this point, but might be interested in working with the County later. Commissioner Galloway stated he would hope the study would include Wildcreek to the point it might affect the other golf courses.

Joe Kelly, Director of Golf, Reno-Sparks Convention and Visitors Authority (RSCVA), spoke in support of staff's recommendation regarding this issue.

Commissioner Weber stated she believes, when a lot of money is being lost on the golf courses, obtaining a management company to come in and provide information on the golf course is more appropriate when it is apparent the entities would like to consolidate the courses.

Doug Doolittle, Assistant Director, Parks and Recreation, said there are management companies that would look at any scenario and welcome the idea of managing the golf courses, but he believes they would also want some independent study to look at the market and other issues. There is an opportunity to gain knowledge on the best approach for golf in the Truckee Meadows, and facts from an independent consultant are needed to make certain the right decisions are made relative to the local golf courses.

Chairman Humke asked if it was clear the County would not proceed with the consulting agreement unless the other two entities agree. County Manager Singlaub said that would be fine and staff has indications from the RSCVA and the City of Reno that they are anxious to undertake such an effort.

On call for the question, the motion carried with Commissioner Weber voting "no" and Commissioner Shaw absent, and Chairman Humke ordered that the following actions be taken:

1. Staff be directed to hire a consultant with expertise in golf course management to prepare a comprehensive report on operation and maintenance of the publicly owned golf courses in the Truckee Meadows.
2. A community-based task force be established to review the feasibility of regionalizing the management of public golf courses.

**5:45 p.m.** The Board recessed.

**6:00 p.m.** The Board reconvened with all members present except Commissioner Shaw.

**03-1280**      **RESOLUTION - MASTER BUSINESS LICENSE FEE SCHEDULE CHANGES - COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* on November 14, 2003 to consider a recommendation to review and adopt a Resolution under Chapter 25 (Business License Ordinance) of the Washoe County Code to increase the annual business license fees in five of the nine fee categories as contained within the Washoe County Master Business License Fee Schedule. The fees would be effective on the date the fee schedule is approved by the Nevada Tax Commission.

Chairman Humke opened the public hearing by calling on anyone wishing to speak concerning this matter.

Adrian Freund, Director, Department of Community Development, stated there are approximately 5,700 businesses licensed in the unincorporated area and the fees are based on gross receipts. The Board adopted a new business license fee schedule in June and directed staff to begin working on increasing the fees for the top 19 percent of the businesses to address the disparity between the County's fees and those charged in Reno and Sparks using a phased-in approach over a five year period. He noted that would entail approaching the Nevada Tax Commission to seek permission to increase the fees beyond the limitation set by Nevada Revised Statute; however, staff has learned that each phase would require going back to the Nevada Tax Commission; and the Nevada Tax Commission requires that the Board of County Commissioners take action on each increase before they consider each request. He also reminded the Board that the budgeted revenues for the Department for fiscal year 2003/04 were based on the increased fees.

Bob Webb, Planning Manager, advised staff is also requesting the Board review and approve the business impact statement. He provided additional background information and stated the proposed fee increases affect only 19 percent of the businesses; and most of the other 81 percent are the small businesses, whose fees were reduced by the Board in June. He requested the Board consider adopting the proposed fee schedule and then freezing them for a period of time. Mr. Webb reported that notices of this proposal and hearing were sent to all of the licensed businesses in the unincorporated area.

In response to Commissioner Sferrazza, Mr. Webb stated there is a question as to whether a phased-in schedule can be adopted by one resolution. They also

discussed the requirements of a business being licensed by the jurisdiction in which it conducts business and the percentage of the fee to the revenue.

Commissioner Weber stated at Caucus she requested figures on a small percentage increase across the board. Mr. Webb apologized and said he did not receive that request. He also explained the County fee is a flat fee as opposed to Reno and Sparks, who have sliding fees based on gross receipts, which means the more a business makes, the higher their fee is.

Commissioner Galloway stated applying the increase all at once was not the direction he supported. He asked if staff had considered anything in between the current fees and the proposed fees.

Madelyn Shipman, Assistant District Attorney, stated that the Nevada Tax Commission review would be to ensure that the ultimate fee does not exceed what would have been allowed pursuant to statute had it been done incrementally; and it was her opinion that phasing in the fees would be an option as long as the amount did not exceed the amount that would have been authorized had the fees been increased annually.

Harry York, Chief Executive Officer, Reno-Sparks Chamber of Commerce, stated he does not believe the business impact statement fulfills the requirements of Nevada Revised Statutes as intended by the Legislature. He said the business impact statement should be broken down in increments and show the true impact on the businesses. In response to Commissioner Sferrazza, Mr. York stated the business community would prefer phasing in the increases. He also said he and the other business groups have just learned about this proposal, and they would like more time to contact their constituents for their input. Chairman Humke noted Mr. York also submitted written correspondence, which was entered into the record.

Commissioner Weber asked if the Legislature had just increased taxes on businesses. Mr. York stated they implemented a fee on businesses based on their employees. He added the water rates have also just been increased. Commissioner Weber observed that it appears Washoe County does not want business to come to Washoe County. Mr. York stated this could have that kind of negative effect.

Mark Sullivan, representing the Associated General Contractors, suggested staff should have made a greater effort in contacting associations such as the Chamber to solicit input. He also stated, rather than seeking parity with the other entities, the County should be relating the fees to the expense of processing and granting business licenses; and doing otherwise makes this a tax instead of a fee. Mr. Sullivan stated businesses face the same budget pressures as government budgets face and requested the Board take the time to get input from the businesses and take a better look at this proposal.

Peter Krueger, AMS Government Relations, stated the County revenue shortfall is directly related to the revenue shortfall in the business community because the

businesses are not generating enough revenue to pay the kind of taxes the County needs. He stated he would also like to see the issue of enforcement addressed because he is aware of two businesses that deliver into unincorporated Washoe County and do not pay the tax. He suggested there are probably several others, such as pizza parlors in Reno and Sparks who deliver into the County, that are not paying the County tax. Mr. Krueger said that situation should be rectified before the burden is increased on the other businesses.

Eddie Anderson, Reno citizen, stated businesses should be allowed and encouraged to grow rather than discouraged and impeded because they create jobs. He also noted that the business community just took a big hit from the State Legislature.

Lyn DePew, Dillen Products, Inc., submitted written questions and comments, which Chairman Humke read into the record.

Mary Lau, Executive Director, Retail Association of Nevada, representing general merchandise retailers, grocery stores and chain drugstores, stated they are against this tax increase. She drew the Board's attention to the letter from Carole Vilardo of the Nevada Taxpayers Association concerning the inadequacy of the business impact statement and said she agrees with Ms. Vilardo. Ms. Lau stated she is personally aware of two grocery stores in the unincorporated area that were not notified of the proposed increase. She said the businesses do not yet know what the full impact of the 2003 Legislature will be and requested the Board postpone this increase. Ms. Lau also said the phased-in approach would be better than implementing the new fees all at once.

Gary Schmidt, owner of the Reindeer Lodge, stated this is a tax, not a fee; and people should be allowed to vote on tax increases. He said consumption, not production, should be taxed. Mr. Schmidt said Washoe County needs new businesses and recommended that the business license fee be changed to a flat \$25.00.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

Commissioner Galloway asked if the Board had the option to approve something other than what staff was recommending. Ms. Shipman stated the Board could approve anything that would be less than the staff recommendation, such as reducing the proposed fees. Commissioner Galloway stated he was not prepared to approve staff's recommendation as presented. Noting that the fees have not been adjusted, even for inflation, in the past 12 years, he said he could consider cautiously increasing the fees in phases. He further stated he hopes that the business community will give consideration to the fact that the County's fees are much lower than the fees charged by the Cities, and the County has exercised restraint in raising fees and taxes.

Commissioner Sferrazza stated he would like information on the total cost of licensing businesses and enforcement of the business license ordinances. He asked what revenue amount was currently budgeted for business license fees. Mr. Freund responded \$712,000 was the estimated total revenue for this year, and these fees have

historically gone into the general fund and the costs of administering the business licenses have been supported by the general fund. Commissioner Sferrazza noted payment of this tax is based on the honesty of the business owner and asked what enforcement procedures staff follows. Mr. Freund advised the Department has three Code Enforcement Officers and enforcement is primarily done by complaint. Mr. Webb added that Washoe County does not have an aggressive enforcement program like the Cities with revenue auditors and such, and the Code Enforcement Officers are not accountants.

Commissioner Weber said these fees and their impacts need to be re-examined much more thoroughly and more input should be solicited from the business community. She suggested this be continued to January.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that the public hearing be re-opened.

Chairman Humke said he agreed with Mr. York and Ms. Lau concerning the business impact statement in that the statement should be more reflective of the true impact on the businesses that pay the fees.

Following discussion, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw absent, Chairman Humke ordered that the public hearing concerning changes to the Washoe County Master Business License Fee Schedule be continued to January 13, 2004 at 5:30 p.m. It was also ordered that staff be directed to:

1. Work with the business community and the organized groups representing businesses in developing a new business license fee schedule.
2. Bring back other options, as well as the 5-year phased in approach, for adjusting the business license fee, such as:
  - a. a simple inflation adjustment;
  - b. adjust to the 2003/04 proposed fee;
  - c. adjust to the 2004/05 proposed fee;
  - d. a flat rate increase;
  - e. a percentage across-the-board increase.
3. Revise the business impact statement.

It was further ordered that staff also provide information concerning the enforcement procedures at the January meeting.

**5:30 p.m.** This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* on November 14, 2003 and mailed to affected property owners, to consider a request to amend the Forest Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 150-080-03 (40 acres) from the land use designations of Low Density Suburban (LDS) and General Rural (GR), to the land use designations of Medium Density Rural (MDR) and Open Space (OS). The proposed re-designation of the subject parcel results in land use designations that will allow seven dwelling units on the forty acres; the current land use designations allow six dwelling units on the forty acres. The change will distribute the parcel potential over a greater area and remove the concentration of development from the existing residences in the area. The property is located approximately 1/4 mile southeast of the intersection of Fawn Lane and the Mount Rose Highway. The parcel is located within Section 36, T18N, R19E, MDM, Washoe County, Nevada. The property is within the Washoe County Commission District No. 2. (APN 150-080-03). Proof was made that due and legal Notice had been given.

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include: a revised map series with updated parcel base and a revised table of land uses.

In addition, the Washoe County Department of Parks and Recreation has noted two parcels that are designated Parks and Recreation in the Forest Area Plan that have no long-range plans for park use. Therefore, the following Assessor's Parcel Numbers are proposed to be changed from Park and Recreation (PR) to a land use compatible with the adjacent properties: 047-210-01 to Low Density Suburban; 048-050-08 to Public and Semi-public Facilities.

Roger Pelham, Planner, described the requested amendment, provided background information and displayed maps of the subject on the overhead screen.

Chairman Humke opened the public hearing by calling on anyone wishing to speak concerning the request. He then read written comments in support of the request from Robin Coons and Gary Schmidt, both residents in nearby areas. There being no one wishing to speak, the public hearing was closed.

Having made the following findings, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Shaw absent, it was ordered that Comprehensive Plan Amendment Case No. CP03-009 be approved. It was further ordered that the Chairman be authorized to execute the Resolution Adopting the Amended Forest Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Commission.

FINDINGS:

1. The proposed amendment to the Forest Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Forest Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Forest Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.
4. The proposed amendment to the Forest Area Plan will promote the desired pattern for the physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
5. The proposed amendment to the Forest Area Plan is the second amendment to the Forest Area Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission and information received during the Washoe County Commission public hearing.

**03-1282            COMPREHENSIVE PLAN AMENDMENT CASE NO. CP03-007 -  
HANS BURKHART - GOLDEN SAGE ESTATES**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* on November 14, 2003 and mailed to affected property owners, to consider an appeal of the technical denial by the Planning Commission of a Comprehensive Plan Amendment to change a portion of the South Valleys Area Plan as authorized in Article 820 of the Washoe County Development Code (WCC Chapter 110). The amendment would change the Land Use Designations from +/-25.1 acres of Low Density Suburban (LDS) and +/-600.8 acres of General Rural (GR) to +/-89.7 acres of High Density Rural (HDR), +/-238.2 acres of General Rural (GR), +/-277.0 acres of

Open Space (OS), and +/-21.0 acres of Parks and Recreation (PR). The subject parcel is +/-625.9 acres in size. The change does not increase the development potential of the parcel; it distributes the existing parcel potential over a greater area and moves the concentration of development away from the existing residences within the area. The request is located south of the terminus of Fawn Lane and west of the terminus of Shawna Lane approximately one mile south of the Mount Rose Highway (SR 431). The subject parcel constitutes most of Section 1, T17N, R19E, MDM, Washoe County, Nevada. The property is located within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. Proof was made that due and legal Notice had been given.

To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan include a revised map series with updated parcel base and revisions to the Table of Land Uses. (APN: 045-252-11)

Don Young, Planner, displayed maps of the subject property on the overhead screen and provided background information on the proposal. He explained that, after the initial request was approved by the Washoe County Planning Commission, the applicant discovered their map was inaccurate. The ultimate decision was to start the process over. The second hearing at the Planning Commission resulted in a technical denial since the vote of that Board was not a two-thirds majority of the Planning Commission. Mr. Young then responded to questions of Board members.

Cynthia Albright, Stantec Consulting representing the applicant, presented detailed information on the proposed development. The project will be very large lots, and they are going to extend water and sewer to the lots.

The Chairman opened the public hearing by calling on anyone wishing to speak concerning the request.

Robin Coons, Richard Keillor and Jeff Zuieback, nearby residents and property owners, spoke in support of the proposal. Chairman Humke read written comments supporting the project from area residents Paul and Patricia Day and Gary Schmidt.

Hans Burkhart, applicant, explained his plans to build a high quality development with custom homes on very large lots and to retain as much open space as possible.

Chairman Humke noted correspondence expressing support was received from Baye Callahan Sloan and Mariellen Capurro, and correspondence in opposition was received from Donald and Ruth Lemaire. There being no one else wishing to speak, the hearing was closed.

Commissioner Weber disclosed that her husband is employed by Stantec Consulting, and stated she has not discussed this case with him.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Shaw absent, it was ordered that Comprehensive Plan Amendment Case No. CP03-007 be approved. It was further ordered that the Chairman be authorized to execute the Resolution Adopting the Amended South Valleys Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Commission.

**FINDINGS:**

1. The proposed amendment to the South Valleys Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the South Valleys Area Plan will provide for land uses more compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the South Valleys Area Plan responds to changed conditions and refined assessments that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the South Valleys Area Plan will have no affect upon the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of Washoe County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the South Valleys Area Plan was the second amendment to the Plan in 2003, and does not exceed the three permitted amendments as specified in WCC §110.820.05.
7. The public hearing and the related changes to the text and maps of the South Valleys Area Plan have been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).

8. The Board of County Commissioners gave reasoned consideration to information contained within the staff report and information received during the public hearing.

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There being no further business to come before the Board, the meeting adjourned at 8:07 p.m.

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**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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**AMY HARVEY**, County Clerk  
and Clerk of the Board of  
County Commissioners

*Minutes Prepared by  
Lori Rowe and Sharon Gotchy  
Deputy County Clerks*